

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**MITCHELL HUNGERPILLER**  
**AND PATRICIA HUNGERPILLER,**  
**individually and on behalf of a class of**  
**similarly situated persons**

**PLAINTIFFS,**

**V.**

**RC2 CORPORATION AND**  
**LEARNING CURVE BRAND, INC.**

**DEFENDANTS.**

**CIVIL ACTION NO.: CV-07-1805-S**

**DEFENDANTS' MOTION FOR EXTENSION OF TIME TO ANSWER**

Defendants RC2 Corporation and Learning Curve Brands, Inc. d/b/a RC2 Brands, Inc. (collectively "Defendants") move the Court to grant an extension of time to answer Plaintiffs' complaint. In support of this motion, Defendants show as follows:

1. Simultaneously with this motion, Defendants have filed a motion to stay these proceedings pending the ruling of the Judicial Panel on Multidistrict Litigation ("JPML") on the pending Motions to Transfer filed in MDL No. 1893. The aforementioned JPML motion includes a request to transfer this action.

2. For reasons of judicial economy and in order to prevent the hardship to the Defendants of being required to answer in the various pending forums where suits have been initiated, the deadline for the Defendants to answer in this matter should be extended until 30 days following entry of an order by the JPML.

WHEREFORE, premises considered, Defendants, RC2 Corporation and Learning Curve Brands, Inc. d/b/a RC2 Brands, Inc., respectfully request that this motion for an extension of time to answer be granted.

s/ Sean W. Shirley

One of the Attorneys for Defendants

RC2 Corporation and Learning Curve Brands, Inc.

OF COUNSEL:

Teresa G. Minor  
Sean W. Shirley  
Balch & Bingham LLP  
Post Office Box 306  
Birmingham, AL 35201-0306  
Telephone: (205) 251-8100  
Facsimile: (205) 226-8798

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 29<sup>th</sup> day of October, 2007, served the foregoing upon counsel of record via the Court's on-line filing system:

W. Lewis Garrison  
Gayle L. Douglas  
2224 First Avenue North  
Birmingham, Alabama 35203

s/ Sean W. Shirley

Of Counsel